

**The Mansfield Resolution for a Joint Committee
on Central Intelligence (S. Con. Res. 2)**

The Mansfield Resolution provides for a Joint Committee on Central Intelligence, consisting of 6 members of the Senate and 6 members of the House. The membership would include 3 members each from the intelligence subcommittees of the Senate and House Armed Services Committees and 3 members each from the intelligence subcommittees of the Senate and House Appropriations Committees. Under the Resolution, the Joint Committee is to make continuing studies of the activities of the Central Intelligence Agency and of problems relating to the gathering of intelligence affecting the national security and of its coordination and utilization by the various departments, agencies, and instrumentalities of the Government. The Resolution further provides that the Central Intelligence Agency shall keep the Joint Committee fully and currently informed with respect to its activities. The Joint Committee would be empowered to appoint such staff as it deems necessary and advisable, and \$250,000 was approved by the Senate Rules Committee for annual expenses of the Committee.

The majority report of the Rules Committee (Senate Report 670) contains a number of arguments in favor of a Joint Committee. They are contained on pages 17 through 20 of the report.

The first of these arguments draws an analogy between the proposed Joint Committee on Central Intelligence and the present Joint Committee on Atomic Energy, citing the success of the latter as :

favorable precedent for the former. The report fails to recognize, however, that the activities of CIA are entirely dissimilar to the activities of the Atomic Energy Commission. The Atomic Energy Commission has a wide variety of responsibilities requiring extensive legislation in many fields of activities, such as pre-emptive relationships with private citizens in the fields of town management, civil defense, control of materials, manufacture of weapons, etc. Atomic Energy bills deal with the construction of industrial facilities, housing facilities, taxation, research and development, and a number of activities which are of legitimate personal interest to large segments of the American people. No such factors relate to the conduct of foreign intelligence.

In the same section, the report points out that the Joint Committee need not be organized so as "to go beyond the fields traversed by the CIA," and that the Committee "would direct itself to the activities of that agency and, thus, to the core of the Nation's intelligence function." This observation in the majority report implies a strict interpretation of the language of the Mansfield Resolution itself, which provides that the Joint Committee will make continuing studies of the activities of CIA "and of problems relating to the gathering of intelligence affecting the national security and of its coordination and utilization by the various departments, agencies, and instrumentalities of the Government." If, as stated in the report, the Committee is to concern itself only with the Central Intelligence Agency, it would be covering only one part of the foreign intelligence activities of the United States Government. If the scope of Committee jurisdiction is broader,

as implied in the language of the Resolution itself, the Committee would become involved with the substantial foreign intelligence activities of existing Executive departments, such as the Departments of State and of Defense, all of which are now under the jurisdiction of standing Committees of the Congress.

A second argument of the Rules Committee report in favor of a Joint Committee is that it would provide adequate congressional liaison with CIA which, according to the report, does not exist at the present time. Effective liaison has already been established between CIA and Committees of the Congress. The Armed Services Committees of the Senate and the House have both established subcommittees with jurisdiction over CIA matters. The Director of Central Intelligence briefs these subcommittees fully on the activities of CIA, and consults with them on all problems affecting the Agency which are of interest to the Congress. CIA subcommittees of the Appropriations Committees of both the Senate and the House have existed for several years, and have been given as much detailed information as they felt they required in order to recommend to the Congress the funds necessary to carry out the Agency's activities. The Mansfield Resolution itself provides that the membership of the Joint Committee shall be drawn from the Congressional subcommittees with present jurisdiction over the Agency. It is difficult to see how any such group could add anything in the way of effective liaison to the arrangements which now exist.

The only new element, therefore, which would be introduced through the creation of the Joint Committee is a new Committee staff which, according to the majority report, "would be able to maintain

an effective check on the operations of the CIA." It is the existence of this staff, and not the congressional membership of the Joint Committee, which poses the most significant administrative and security problems. It is evident that the Rules Committee, in approving an initial authorization of \$250,000, contemplated a staff of some magnitude, as this amount is almost as large as the amount appropriated annually to the Joint Committee on Atomic Energy, which retains professional and clerical staff of some 17 individuals. Unlike the Atomic Energy Commission, CIA rarely has need for new legislation. In the light of its minimal legislative requirements, it is difficult to see how the staff would occupy their time other than through conducting expeditions and investigations into the highly sensitive work of the Agency. Apart from the administrative problem of having a Committee staff second-guess the operations of those in whom the President has placed responsibility for carrying on this vital activity, a security problem is inevitably created in the fact that additional individuals, not members of the Agency or of the Congress, will become knowledgeable as to the whole range of foreign intelligence activities. Leaks as to certain activities being carried out by the United States intelligence community could be disastrous to the security of the United States. The increased potential of leaks, even if they did not occur, would seriously interfere with the confidence and mutually beneficial interchange of information between the intelligence services of the United States and those of other friendly governments.

The majority report argues further that studies of CIA by temporary groups are not sufficient. It is true that the Agency has been

investigated many times during recent years by a series of ad hoc boards. Although these boards have had among their membership many extremely qualified and able individuals, and their studies have proven to be of great benefit to the Agency and to the Government as a whole, it is conceded that a continuing mechanism for appraising the Agency's effectiveness should be created. With this in mind, the President has recently appointed a board of civilian consultants with jurisdiction over the entire range of foreign intelligence activities. This board is chaired by Dr. James R. Killian, President of the Massachusetts Institute of Technology, and includes among its membership eight of our country's more distinguished citizens (list attached). It would seem that the legitimate congressional interest in a continuing evaluation of the effectiveness of our Government's foreign intelligence work could best be served by continuing, and, if the Congress so desires, strengthening the liaison which now exists with standing Committees which have present jurisdiction over CIA and the other agencies involved in this type of work.

The most serious of the allegations, or "arguments", in favor of the Joint Committee are contained in the section of the majority report under the heading "Secrecy, For Secrecy's Sake, Invites Abuse". This section contains the following statements:

"Secrecy now beclouds everything about CIA, its cost, its personnel, its efficiency, its failures, its successes. An aura of superiority has been built around it. It is freed from practically every ordinary form of congressional review. The CIA has unquestionably placed itself above other Government agencies."

The above statements do not reflect the facts in this matter, nor do they represent at all the attitudes of the Chairmen of the two Senate Committees with present jurisdiction over CIA. The Chairman of the Armed Services Committee, Senator Russell, has indicated in a letter to the Chairman of the Rules Committee, that CIA has demonstrated its willingness to keep his Committee fully informed with respect to its activities and operations. Senator Hayden, the Chairman of the Appropriations Committee, has indicated, in his dissenting views to the report of the Rules Committee, that the Agency has also demonstrated its willingness to keep his subcommittee fully informed, that there has been an open and free exchange of necessary information, that no information has been denied and all desired information candidly supplied.

Senator Saltonstall, the ranking Republican member of the Armed Services Committee, and a member of the CIA subcommittee of both the Armed Services and Appropriations Committees, has expressed views similar to those of Senator Russell on this matter, and has appeared before the Rules Committee in opposition to the Mansfield Resolution.

The Agency has for several years made available to Appropriations subcommittees of the Senate and of the House details as to its expenditures, its personnel, its operations and its budget proposals. It is difficult to reconcile the opinions of these distinguished Senators with the statements, in the majority report of the Rules Committee, that the Central Intelligence Agency has built an aura of superiority around itself and that it has placed itself above other Government agencies.

The Mansfield Resolution (S. Con. Res. 2)

The Mansfield Resolution provides for a "Joint Committee on Central Intelligence", consisting of 6 members of the Senate and 6 members of the House. The membership would include 3 members each from the intelligence subcommittees of the Senate and House Armed Services Committees and 3 members each from the intelligence subcommittees of the Senate and House Appropriations Committees. Under the Resolution, the Joint Committee is to "make continuing studies of the activities of the Central Intelligence Agency and of problems relating to the gathering of intelligence affecting the national security and of its coordination and utilization by the various departments, agencies, and instrumentalities of the Government." The Resolution further provides that "the Central Intelligence Agency shall keep the Joint Committee fully and currently informed with respect to its activities." The Joint Committee would be empowered to appoint such staff as it deems necessary and advisable, and *the Congressional Record that* \$250,000 was approved by the Senate Rules Committee for expenses of the Committee *during its first year of operations.*

The creation of a Joint Committee on Central Intelligence, with the functions and powers provided for in the Mansfield Resolution, *raises some basic* ~~would create a fundamental~~ legal problem, and would tend to raise a Constitutional issue on the separation of powers between the Executive and Legislative branches of the Government.

The Congress, in the National Security Act of 1947 (P. L. 251, 80th Congress) established the Central Intelligence Agency under

the National Security Council." In accordance with this provision of law, the Director of Central Intelligence serves as the principal advisor on foreign intelligence matters to the President and to the National Security Council, and is properly regarded as a member of the President's staff for that purpose. Activities are undertaken by the Central Intelligence Agency only in accordance with directives of the National Security Council. The availability of intelligence of the highest order to the President and to the National Security Council is an essential element in the formulation of the foreign policy of the Government, and in the conduct of foreign relations by the President and the Secretary of State in carrying out that policy. Any Congressional action which would tend to alter the legally established relationship between the Central Intelligence Agency and the National Security Council would tend to impinge upon the Constitutional authority and responsibility of the President in the conduct of foreign affairs.

The National Security Act of 1947 further provides, in Section 102(d)(3), "that the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure." Section 7 of the Central Intelligence Agency Act of 1949 (P. L. 110, 81st Congress), in further implementing this section and "in the interests of the security of the foreign intelligence activities of the United States," provides that the Central Intelligence Agency shall be exempted from the provisions of any laws "which require the publication or disclosure of the organization, functions, names, official titles, salaries or numbers of personnel employed by the Agency."

The foregoing provisions represented a recognition by the Congress of the highly sensitive nature of Government intelligence activities. The Mansfield Resolution, in providing for continuing studies of the activities of the Central Intelligence Agency, and in further providing that the Agency shall keep the committee "fully and currently informed with respect to its activities," tends to run counter to the letter and spirit of existing law governing the activities of the Agency. Inasmuch as this is a concurrent resolution, which by tradition is not referred to the President, any provisions which contravene existing law would have no mandatory effect. The existence of such language in a resolution approved by both Houses, however, would lead inevitably to continuing difficulties of construction and interpretation which would impair the continuity of sound and proper relationships between the Executive and Legislative branches in intelligence matters.

The supporters of the Mansfield Resolution have alleged that the Congress has maintained no control over the expenditures of the Central Intelligence Agency, and that its members have been kept in the dark as to Agency activities because of a veil of secrecy imposed by the Executive Branch. This is not true. Intelligence subcommittees of the Appropriations Committees of both the Senate and the House have existed for several years, and have been ^{given} offered as much detailed information as they have felt they required in order to recommend to the Congress the funds necessary to carry out this activity. In no instance has requested information been denied to the membership of these subcommittees. Despite the flexibility which the Congress has

granted to the Central Intelligence Agency in carrying out its unique functions, the Agency has administratively taken measures to control its expenditures in at least as strict a manner as other Government agencies and to require a complete accounting for the use of all of its funds, vouchered or unvouchered. This system, and the actual use of the funds are described each year to the Appropriations subcommittees. The Armed Services Committees of the Senate and the House have both established intelligence subcommittees, and the Director of Central Intelligence has briefed these subcommittees ~~fully~~ on the activities of the Central Intelligence Agency and the ~~functions of the~~ ^{activities relating to national security} ~~entire United States intelligence community~~ ^{of other departments and agencies of the Government} which it is his function to coordinate. ~~in part~~ ^{part}

In the latter connection it is to be borne in mind that the Central Intelligence Agency carries out ~~only a small percentage~~ ^{part} of the foreign intelligence activities of the United States Government. It is not clear as to whether the Mansfield Resolution would authorize Joint Committee jurisdiction over activities of other agency intelligence services. In the event that it does not, it would consider only a ~~relatively minor~~ segment of governmental activity in this field. In the event that it does, it would move into the sphere of operations of ~~service departments and agencies~~ ^{other agencies and} who ~~have~~ ^{usually have} traditionally been responsive to standing committees of the Senate and of the House.

The jurisdictional problem created by a Joint Committee, even if restricted to the Central Intelligence Agency, would exist with respect to both Authorizing and Appropriations committees. For example, even if members of a Joint Committee happen to be members

of the Appropriations Committees of the Senate and House, as provided in the Mansfield Resolution, it would still be necessary and appropriate for the Appropriations Committees to exercise their normal prerogatives and functions with respect to requests for funds to carry out intelligence activities. ^{It is the view of the} ~~Inasmuch as these Committees cannot and~~ will not abrogate their responsibilities in this matter, there would appear to be little reason for the participation of a part of their membership in a special Joint Committee. The same considerations apply to other standing Committees with present jurisdiction over foreign intelligence activities.

Proponents of the Mansfield Resolution have stated that CIA is in somewhat the same category as the Atomic Energy Commission, and that therefore the Joint Congressional Committee on Atomic Energy is a good precedent for a similar committee on Central Intelligence matters. The activities of CIA are entirely dissimilar to the activities of the Atomic Energy Commission. The Atomic Energy Commission has a wide variety of responsibilities requiring extensive legislation in many fields of activity, such as pre-emptive relationships with private citizens in such fields as town management; civil defense; control of materials; manufacture of weapons; etc. Atomic energy bills deal with construction of industrial facilities, housing facilities, taxation, research and development, and a number of activities which are of legitimate interest to large segments of the American people. No such factors relate to the conduct of foreign intelligence.

One of the most disturbing aspects of the Mansfield Resolution is the provision for a separate staff, for which it is understood the

Rules Committee approved an initial authorization of \$250,000. A new and separate staff of some magnitude must be contemplated, as the amount authorized to cover expenses is almost as large as the amount appropriated annually to the Joint Committee on Atomic Energy, which maintains a professional and clerical staff of some 17 individuals.

CIA rarely has a need for new legislation. Since the enactment of the Central Intelligence Agency basic legislation in 1949, only three minor amendments have been made to that Act, and one minor amendment to the National Security Act of 1947 which affected the Agency. The only other authorization of any substance relating to the Central Intelligence Agency was contained in the Military Construction Act of 1955, which authorized funds for the new headquarters building for the Agency.

In the light of minimal requirements for legislation, it is difficult to see how the staff of a Joint Committee would occupy the majority of their time except through expeditions and investigations into the highly sensitive work of the Agency. Even assuming that such staff would be given security clearances, the fact remains that additional individuals would become knowledgeable as to ^{the whole range} intelligence activities, which would ^{be} have ^{dangerous} significant security implications. This problem is compounded by the likelihood of turnover on the staff of a Joint Committee, which has been considerable in the staff of the Joint Committee on Atomic Energy. Leaks as to certain activities being carried out by the U. S. intelligence community could be disastrous to the security of the United States. The increased potential of leaks, even if they did not occur, would seriously interfere with the confidence and mutually beneficial interchange of information between the intelligence services of the

1 February 1956

If we are to have a joint Senate-House Committee on certain phases of our intelligence operations, why not have a joint committee for the entire range of the operations of the Executive Branch, such as our foreign policy, our foreign economic policy, our foreign information policy and the whole gamut of the foreign activities of the government? Of these many features of our government foreign activities, our intelligence work is the most sensitive.

A Joint Atomic Energy Committee was established ~~for the first time~~ because of the particular nature of the nuclear problem and the U. S. government was forced to go into private business on a massive scale. This had important domestic implications in a broad range of fields. The intelligence activities of government, which it is proposed be subject to a joint committee's scrutiny, are peculiarly the prerogative of the Executive, intimately associated with the conduct of the foreign relations of the country, and even less susceptible to the treatment proposed than a broad range of foreign governmental activities. To break down the present relationship between the respective Senate and House Committees in this field would constitute a new innovation in our government structure and procedure and would effect the bicameral system set up under the Constitution.

The Mansfield Resolution (S. Con. Res. 2)

The Mansfield Resolution provides for a "Joint Committee on Central Intelligence", consisting of 6 members of the Senate and 6 members of the House. The membership would include 3 members each from the intelligence subcommittees of the Senate and House Armed Services Committees and 3 members each from the intelligence subcommittees of the Senate and House Appropriations Committees. Under the Resolution, the Joint Committee is to "make continuing studies of the activities of the Central Intelligence Agency and of problems relating to the gathering of intelligence affecting the national security and of its coordination and utilization by the various departments, agencies, and instrumentalities of the Government." The Resolution further provides that "the Central Intelligence Agency shall keep the Joint Committee fully and currently informed with respect to its activities." The Joint Committee would be empowered to appoint such staff as it deems necessary and advisable, and it was reported in the Congressional Record that \$250,000 was approved by the Senate Rules Committee for expenses of the Committee.

The creation of a Joint Committee on Central Intelligence, with the functions and powers provided for in the Mansfield Resolution, raises some basic legal problems, and would tend to raise a Constitutional issue on the separation of powers between the Executive and Legislative branches of the Government.

The Congress, in the National Security Act of 1947 (P.L. 553, 80th Congress) established the Central Intelligence Agency "and

the National Security Council." In accordance with this provision of law, the Director of Central Intelligence serves as the principal advisor on foreign intelligence matters to the President and to the National Security Council, and is properly regarded as a member of the President's staff for that purpose. Activities are undertaken by the Central Intelligence Agency only in accordance with directives of the National Security Council. The availability of intelligence of the highest order to the President and to the National Security Council is an essential element in the formulation of the foreign policy of the Government, and in the conduct of foreign relations by the President and the Secretary of State in carrying out that policy. Any Congressional action which would tend to alter the legally established relationship between the Central Intelligence Agency and the National Security Council would tend to impinge upon the Constitutional authority and responsibility of the President in the conduct of foreign affairs.

The National Security Act of 1947 further provides, in Section 10(a)(3), "that the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure." Section 7 of the Central Intelligence Agency Act of 1949 (P.L. 110, 81st Congress), is further implementing this section and "in the interests of the security of the foreign intelligence activities of the United States," provides that the Central Intelligence Agency shall be exempted from the provisions of any laws "which require the publication or disclosure of the organization, functions, names, official titles, salaries or numbers of personnel employed by the Agency."

The foregoing provisions represented a recognition by the Congress of the highly sensitive nature of Government intelligence activities. The Mansfield Resolution, in providing for continuing studies of the activities of the Central Intelligence Agency, and in further providing that the Agency shall keep the committee "fully and currently informed with respect to its activities," tends to run counter to the letter and spirit of existing law governing the activities of the Agency. Inasmuch as this is a concurrent resolution, which by tradition is not referred to the President, any provisions which contravene existing law would have no mandatory effect. The existence of such language in a resolution approved by both Houses, however, would lead inevitably to continuing difficulties of construction and interpretation which would impair the continuity of sound and proper relationships between the Executive and Legislative branches in intelligence matters.

The supporters of the Mansfield Resolution have alleged that the Congress has maintained no control over the expenditures of the Central Intelligence Agency, and that its members have been kept in the dark as to Agency activities because of a veil of secrecy imposed by the Executive Branch. This is not true. Intelligence subcommittees of the Appropriations Committees of both the Senate and the House have existed for several years, and have been given as much detailed information as they have felt they required in order to recommend to the Congress the funds necessary to carry out this activity. In no instance has requested information been denied to the membership of these subcommittees. Despite the flexibility which the Congress has

granted to the Central Intelligence Agency in carrying out its unique functions, the Agency has administratively taken measures to control its expenditures in at least as strict a manner as other Government agencies and to require a complete accounting for the use of all of its funds, vouchered or unvouchered. This system, and the actual use of the funds are described each year to the Appropriations subcommittees. The Armed Services Committees of the Senate and the House have both established intelligence subcommittees, and the Director of Central Intelligence has briefed these subcommittees on the activities of the Central Intelligence Agency and the activities relating to the national security of other departments and agencies of the Government which it is his duty to coordinate.

In the latter connection it is to be borne in mind that the Central Intelligence Agency carries out only a part of the foreign intelligence activities of the United States Government. It is not clear as to whether the Mansfield Resolution would authorize Joint Committee jurisdiction over activities of other agency intelligence services. In the event that it does not, it would consider only a segment of governmental activity in this field. In the event that it does, it would move into the sphere of operations of other agencies and service departments which under long tradition have been responsive to standing committees of the Senate and of the House.

The jurisdictional problem created by a Joint Committee, even if restricted to the Central Intelligence Agency, would exist with respect to both Authorizing and Appropriations committees. For example, even if members of a Joint Committee happen to be members

of the Appropriations Committees of the Senate and House, as provided in the Mansfield Resolution, it would still be necessary and appropriate for the Appropriations Committees to exercise their normal prerogatives and functions with respect to requests for funds to carry out intelligence activities.

Proponents of the Mansfield Resolution have stated that CIA is in somewhat the same category as the Atomic Energy Commission, and that therefore the Joint Congressional Committee on Atomic Energy is a good precedent for a similar committee on Central Intelligence matters. The activities of CIA are entirely dissimilar to the activities of the Atomic Energy Commission. The Atomic Energy Commission has a wide variety of responsibilities requiring extensive legislation in many fields of activity, such as pre-emptive relationships with private citizens in such fields as town management; civil defense; control of materials; manufacture of weapons; etc. Atomic energy bills deal with construction of industrial facilities, housing facilities, taxation, research and development, and a number of activities which are of legitimate interest to large segments of the American people. No such factors relate to the conduct of foreign intelligence.

One of the most disturbing aspects of the Mansfield Resolution is the provision for a separate staff, for which it is understood the

Rules Committee approved an initial authorization of \$250,000. A new and separate staff of some magnitude must be contemplated, as the amount authorized to cover expenses is almost as large as the amount appropriated annually to the Joint Committee on Atomic Energy, which maintains a professional and clerical staff of some 17 individuals.

CIA rarely has a need for new legislation. Since the enactment of the Central Intelligence Agency basic legislation in 1949, only two minor amendments have been made to that Act, and one minor amendment to the National Security Act of 1947 which affected the Agency. The only other authorization of any substance relating to the Central Intelligence Agency was contained in the Military Construction Act of 1955, which authorized funds for the new headquarters building for the Agency.

In the light of minimal requirements for legislation, it is difficult to see how the staff of a Joint Committee would occupy the majority of their time except through expeditions and investigations into the highly sensitive work of the Agency. Even assuming that such staff would be given security clearances, the fact remains that additional individuals would become knowledgeable as to the whole range of intelligence activities, which would have dangerous security implications. This problem is compounded by the likelihood of turnover on the staff of a Joint Committee, which has been considerable in the staff of the Joint Committee on Atomic Energy. Leaks as to certain activities being carried out by the U. S. intelligence community could be disastrous to the security of the United States. The increased potential of leaks, even if they did not occur, would seriously interfere with the confidence and mutually beneficial interchange of information between the intelligence services of the

United States Government and of other friendly governments with which the Central Intelligence Agency deals on a day-by-day basis.

If we are to have a joint Senate-House Committee on certain phases of our intelligence operations, why not have a joint committee for the entire range of the operations of the Executive Branch, such as our foreign policy and the whole gamut of the foreign activities of the government? Of the many features of our government foreign activities, our intelligence work is the most sensitive.

A Joint Committee on Atomic Energy was established because of the particular nature of the nuclear problem and the fact that the U. S. Government was forced to go into private business on a massive scale. This had important domestic implications in a broad range of fields. The intelligence activities of government, which it is proposed be subject to a joint committee's scrutiny, are peculiarly the prerogative of the Executive, intimately associated with the conduct of the foreign relations of the country, and ever more susceptible to the treatment proposed than a broad range of foreign governmental activities. To break down the present relationship between the respective Senate and House Committees in this field would constitute a new innovation in our government structure and procedure and would affect the bicameral system set up under the Constitution.